

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

**MAUREEN C. DELSORDO and husband,**

**MICHAEL D. DELSORDO**

261 Turners Pond Drive  
Lincoln University, PA 19352

Plaintiffs

VS.

NO. 3:19-cv-00500-PLR-DCP

JURY DEMAND

**BLUEGREEN VACATIONS, UNLIMITED, INC.**

**d/b/a LAUREL CREST RESORT**

**c/o Registered Agent**

**Corporate Creations Network, Inc. .**

205 Powell Place

Brentwood, Tennessee 37027-7522

**and**

**CENTURION PARTNERS HEALTH AND FITNESS, LLC.**

**d/b/a FITNESSMITH**

**c/o FRANK GIANNONE, PRESIDENT**

3610 Quantum Blvd.

Boynton Beach, Florida 33426

**and**

**PELOTON INTERACTIVE, INC.**

**c/o Registered Agent**

**Corporation Service Company**

2908 Poston Avenue

Nashville, Tennessee 37203-1312

Defendants

---

## SECOND AMENDED COMPLAINT

---

**COME THE PLAINTIFFS, MAUREEN C. DELSORDO and husband, MICHAEL D. DELSORDO**, pursuant to Federal Rules of Civil Procedure 15 (a) (2) and sue the **DEFENDANTS, BLUEGREEN VACATIONS, UNLIMITED, INC., d/b/a LAUREL CREST RESORT, CENTURION PARTNERS HEALTH AND FITNESS, LLC., d/b/a FITNESSMITH, and PELOTON INTERACTIVE, INC.** and for cause of action would aver as follows:

1. That the Plaintiffs are citizens and residents of Lincoln University, PA., residing at the address cited in the caption of this Complaint.
2. That the Defendant Bluegreen Vacations Unlimited, Inc., is a foreign corporation doing business in Tennessee and may be served through the registered agent at the address cited in the caption of this Complaint.
3. That the Defendant, Centurion Partners Health and Fitness, LLC., d/b/a Fitnessmith, is a Florida corporation doing business in Tennessee and may be served in care of its' President, Frank Giannone, at the address cited in the caption of this Complaint.
4. That the Defendant, Peloton Interactive, Inc., is a foreign corporation and may be served through the registered agent at the address cited in the caption of this Complaint.
5. That the cause of action which is the subject of this lawsuit arose in Sevier County, Tennessee.
6. That at all times mentioned herein, the Defendant Bluegreen Vacations Unlimited, Inc., d/b/a Laurel Crest Resort was the owner or lessee in possession and control of a certain premises situated at 2628 Laurel Crest Lane, Pigeon Forge, Tennessee, upon which the Defendant maintains a fitness room on the property.

7. That on or about June 23, 2019, your Plaintiff, Maureen C. Delsordo, was lawfully upon the Defendant's place of business as a patron. While utilizing a exercise bicycle owned and maintained by the Defendant she sustained personal injuries.

8. That the Defendant was negligent in that it:

- a) Failed to warn of a dangerous condition ;
- b) Failed to adequately maintain its' equipment;
- c) Failed to provide proper instructions for use of its equipment.

9. That the Defendant as the owner/operator of said resort had a duty to make sure that the fitness equipment was in safe working condition for the use of its' patrons.

10. That the Defendant, Centurion Partners Health and Fitness, LLC d/b/a Fitnessmith, was the vendor that sold, assembled and installed the exercise bike, causing your Plaintiff to sustain personal injuries.

11. Centurion Partners Health and Fitness, LLC d/b/a Fitnessmith, was negligent in that they failed to warn of a dangerous condition and failed to provide proper instructions for the use of the exercise bike.

12. That the Defendant, Peloton Interactive, Inc., designed and manufactured the exercise bike that caused your Plaintiff to sustain personal injuries.

13. The exercise bike was unreasonably dangerous or in a defective condition at the time it was sold to the Co-Defendant by Peloton Interactive, Inc. .

14. That your Plaintiff, Maureen C. Delsordo, suffered painful, personal injuries as a result of the subject accident causing her to incur medical expenses and she may have sustained a permanent injury as a result of the subject accident.

15. That as a result of the injuries sustained by Maureen C. Delsordo, the Plaintiff, Michael D. Delsordo, spouse of Maureen, would aver that he has suffered a loss of enjoyment of life and loss of consortium with his spouse. That the injuries his wife sustained have interfered with the Plaintiff's interaction between themselves as husband and wife.

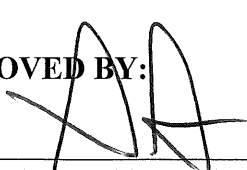
**THEREFORE, PREMISES CONSIDERED, your Plaintiff prays:**

1. That proper process issue and this Complaint be served upon the Defendants, **BLUEGREEN VACATIONS UNLIMITED, INC., d/b/a LAUREL CREST RESORT., CENTURION PARTNERS HEALTH AND FITNESS, LLC., d/b/a FITNESSMITH, and PELOTON INTERACTIVE, INC.,** through their attorneys requiring them to answer fully and truthfully this Complaint, but their oath to said answer is waived.
2. That a jury try the issues joined.
3. That your Plaintiffs be awarded compensatory damages in the amount of **TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS.**
4. That your Plaintiff be awarded such other, further and general relief as justice of this cause would require.
5. That the costs of this cause be taxed to the Defendants.

**RESPECTFULLY SUBMITTED** this the 22 day of April, 2020.

**MAUREEN C. DELSORDO,  
and husband, MICHAEL D. DELSORDO**


**APPROVED BY:**


  
**GEORGE R. GARRISON**  
**BPR # 014102**  
**Attorney for Plaintiffs**

1142 Dolly Parton Pkwy.  
Sevierville, Tennessee 37862  
(865) 453-7990

**COST BOND**

We, the undersigned, acknowledge ourselves sureties to all of the costs of this cause as conditioned as required by law.

  
\_\_\_\_\_  
PRINCIPAL

  
\_\_\_\_\_  
SURETY